

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : FIEKOWSKY et al.

Group Art Unit: 2857

Appln. No. : 10/648,819

Examiner: Unknown

Filed : August 25, 2003

For : SCANNED IMAGE ALIGNMENT SYSTEMS AND METHODS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Further to the Information Disclosure Statement filed February 27, 2004, and in accordance with Applicants' duty of disclosure under 37 C.F.R. 1.56, Applicants hereby submit the following Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98, which includes information cited in parent Application Nos. 09/699,852 (Issued as US Patent No. 6,741,344), 08/823,824 (Issued as US Patent No. 6,141,096) and 08/195,899 (Issued as US Patent No. 5,631,734).

The Examiner is respectfully requested to consider the documents cited in the parent applications, and to make the documents cited therein of record in the instant application. Applicants include these documents on the Form PTO-1449 attached hereto.

The Examiner is reminded that this application is also a continuation of Application No. 09/542,151, which has matured into U.S. Patent No. 6,611,767, which is

a continuation of U.S. Patent Application No. 08/996,737, now U.S. Patent No. 6,090,555, which claims priority of U.S. Provisional Application No. 60/069,032. Documents cited in these parent applications have previously been cited in the Information Disclosure Statement filed February 27, 2004.

Applicants also bring to the attention of the Examiner:

WO 92/10588, which is cited and discussed in the specification beginning on page 1, last paragraph; and

U.S. Patent No. 5,445,934, which is cited and discussed in the specification beginning on page 1, last paragraph.

U.S. Patent No. 4,815,274;

U.S. Patent No. 5,124,102;

U.S. Patent No. 5,371,690;

U.S. Patent No. 5,733,729;

U.S. Patent No. 5,800,992

U.S. Patent No. 5,825, 913

U.S. Patent No. 5,845,001;

U.S. Patent No. 5,845,007;

U.S. Patent No. 5,858,659;

U.S. Patent No. 5,917,588;

U.S. Patent No. 5,945,334;

U.S. Patent No. 6,045,996;

U.S. Patent No. 6,090,555;

U.S. Patent No. 6,124,102;

U.S. Patent No. 6,140,044;

U.S. Patent No. 6,207,960;

U.S. Patent No. 6,228,575;

U.S. Patent No. 6,289,382;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,399,365;

U.S. Patent No. 6,768,820;

EP 0 695 941;

YOUNG et al., "Handbook of Pattern Recognition and Image Processing", Academic Press, Inc., 1986, pp. 191-193, 200, 201, 203, and 223;

JAIN, "Fundamentals of Digital Image Processing", Prentice Hall, Inc., 1989, pp. 381-383; and

D.R. BENTLEY, "The Development and Application of Automated Gridding for Efficient Screening of Yeast and Bacterial Ordered Libraries", Genomics, Vol. 12, pp. 534-541 (1992).

Applicants once again note that Claims 46-49 and 59-61 of the present application are copies or substantial copies of claims 1-4 and 14-16, respectively, from US Patent No. 6,591,196 to YAKHINI et al., issue July 8, 2003. Applicants also note that claims from U.S. Patent No. 6,768,820 to YAKHINI et al., have been copied or substantially copied in commonly assigned, copending U.S. Patent Application 10/828,613, and claims from U.S. Patent Application Publication No. 2004/0264807 A1 to YAKHINI, have been copied or substantially copied in commonly assigned, copending U.S. Patent Application 11/320,826.

Applicants note that the following documents are listed on the face of U.S. Patent No. 6,591,196 to YAKHINI et al., issued July 8, 2003:

U.S. Patent No. 5,581,487;

U.S. Patent No. 5,720,928;

U.S. Patent No. 5,721,435;

U.S. Patent No. 5,744,305;

U.S. Patent No. 5,801,970;

U.S. Patent No. 5,812,272;

U.S. Patent No. 5,834,758;

U.S. Patent No. 5,837,475;

U.S. Patent No. 5,861,242;

U.S. Patent No. 5,886,353;

U.S. Patent No. 6,066,459;

U.S. Patent No. 6,083,763;

U.S. Patent No. 6,100,030;

U.S. Patent No. 6,122,042;

U.S. Patent No. 6,167,169;

U.S. Patent No. 6,284,459;

U.S. Patent No. 6,284,465;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,383,742;

WO 99/08233;

WO 01/06395;

Douglas E. Bassett Jr., Michael B. Eisen, and Mark S. Boguski, "Gene expression informatics-it's all in your mine," Nature America Inc., *nature genetics* supplement, vol. 21, Jan. 1999, pp. 51-55.

Cattell, Herbert F., "Method of Extracting Locations of Surface Array Deposited Features," filed Nov. 5, 1999, US Application No. 09/435,462 (now abandoned in favor of continuation Application No. 10/238,922, now U.S. Patent No. 7,027,629);

A. Kuklin et al., "High throughput screening of gene expression signatures," 2000, *Genetica* 108, pp. 41-46.

R.C.Y. Cheung and Christopher J.S. deSilva, "Analysis of Gene Microarray Images," 1999, IEEE, pp. 627-632.

Applicants also note that the following documents are listed on the face of U.S. Patent No. 6,768,820 to YAKHINI et al., issued July 27, 2004 (of which, as noted above, claims are copied into U.S. Patent Application No. 10/828,613), and are cited in U.S. Patent Application Publication No. 2004/0264807 A1 to YAKHINI et al., published December 30, 2004, which is a continuation application of U.S. Patent No. 6,768,820 (of which, as noted above, claims are copied into U.S. Patent Application No. 11/320,826).

U.S. Patent No. 5,001,766;

U.S. Patent No. 5,487,115;

U.S. Patent No. 5,627,912;

U.S. Patent No. 5,837,475;

U.S. Patent No. 5,916,747;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,362,832;

U.S. Patent No. 6,498,863;

U.S. Patent No. 6,571,005;

EP 0 380 659;

WO 99/08233; and

WO 01/06395.

Douglas E. Bassett Jr., Michael B. Eisen and Mark S. Boguski, "Gene expression informatics--it's all in your mine", *Nature Genetics Supplement*, vol. 21, Jan. 1999, pp. 51-55.

Cheung, R.C.Y. and deSilva, Christopher J.S., "Analysis of Gene Microarray Images", *6th International Conference on Neural Information Processing*, vol. 2, Nov. 16-19, 1999, pp. 627-632.

Kuklin A. et al., "High Throughput Screening of Gene Expression Signatures", *Genetica*, vol. 108, 2000, pp. 41-46.

Eisen, Michael, "ScanAlyze User Manual," Jul. 14, 1999, pp. 1-22.

In accordance with 37 C.F.R. 1.98, copies of the U.S. patents and U.S. published patent applications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants note that copies of documents cited in this disclosure statement have been submitted in parent Application Nos. 09/699,852 (Issued as US Patent No. 6,741,344), 08/823,824 (Issued as US Patent No. 6,141,096) and 08/195,899 (Issued as US Patent No. 5,631,734). Accordingly, pursuant to 37 C.F.R. 1.98(d) copies of the documents are not being submitted herewith, and the Examiner is invited to review and consider the documents in the parent application. Of course, should any of the

documents not be readily available to the Examiner, the Examiner is requested to contact the undersigned and additional copies will be submitted.

Applicants also direct the Examiner to the files at the U.S. Patent and Trademark Office of U.S. Patent Nos. 6,591,196, 6,768,820, and U.S. Patent Application Publication No. 2004/0264807 A1, to YAKHINI et al. for copies of the documents cited therein. Of course, should any of the documents not be readily available to the Examiner, the Examiner is requested to contact the undersigned and additional copies will be submitted. In this regard, Applicants are presently obtaining copies of the foreign patent documents and non-patent literature a cited in the YAKHINI et al. Patent Nos. 6,591,196, 6,768,820, and U.S. Patent Application Publication No. 2004/0264807 A1, for forwarding to the U.S. Patent and Trademark Office.

Citation of these documents shall not be construed as (1) an admission that the documents are necessarily prior art with respect to the instant invention; (2) a representation that a search has been made; or (3) an admission that the information cited herein is, or is considered to be, material to patentability in any way, including that as defined in §1.56(b).

The documents cited in the parent applications, U.S. Patent Nos. 6,591,196 and 6,768,820, in U.S. Patent Application Publication No. 2004-0264807 A1, and as cited above are listed on the attached Forms PTO-1449. The Examiner is requested to initial the Forms PTO-1449, and to return the initialed copy with the next communication from the U.S. Patent and Trademark Office.

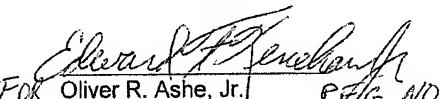
Applicants note that while this Supplemental Information Disclosure Statement is being filed more than three months from the filing date, Applicants have not received an

action on the merits from the U.S. Patent and Trademark Office. Accordingly, consideration of the enclosed document is required under 37 C.F.R. 1.97(b)(3).

However, if any fee is required for consideration of this disclosure statement, Applicants hereby authorize the charging of any required fees necessary for consideration of the documents cited herein to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted
Peter Fiekowsky et al.


FOR Oliver R. Ashe, Jr. REG NO
Registration No. 40,491 28,962

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FORM PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. P29340	Application No. 10/648,819
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant FIEKOWSKY et al.			
		Filing Date August 25, 2003		Group 2857	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLAS S	SUBCLASS	FILING DATE IF APPROPRIATE
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		3 3 8 5 1 6 0	05/1968	DAWSON et al.			
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		5 2 1 4 5 3 1	5/1993	TORII et al.			

EXAMINER

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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. P29340	Application No. 10/648,819		
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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLAS S	SUBCLASS	FILING DATE IF APPROPRIATE
		5 2 3 5 1 8 0	8/1993	MONTAGU			
		5 2 8 1 5 1 6	1/1994	STAPLETON et al.			
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		5 7 3 7 1 2 1	4/1998	DIXON et al.			
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		5 7 6 0 9 5 1	6/1998	DIXON et al.			
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
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90		/ 1 5 0 7 0	12/1990	WIPO			
92		/ 1 0 0 9 2	6/1992	WIPO			
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1	Alexay et al., "Fluorescence scanner employing a Macro Scannign Objective," Progress in Biomedical Optics, SPIE, Proceedings of fluorescence Detection IV, vol. 2705, pp. 63-72 (1996).
2	Benschop et al., "Confocal compact scanning optical microscope based on compact disk technology." Chem. Abs. 114(26):1179-1184, abstract No. 256643p.(Jul. 1, 1991).
3	Chee et al., "Accessing Genetic Informatin with High-Density DNA Arrays," Science, vol. 274; pp. 610-614 (Oct. 25, 1996).
4	Dixon et al., "Confocal scanning beam laser microscope/macroscope: Applications in Fluorescence," Progress in Biomedical Optics, SPIE, Proceedings of Fluorescence Detection IV, vol. 2703, pp. 44-52 (1996).
5	Ekins et al., "Development of microspot multianalyte ratiometric immunoassay using dual fluorescent-labelled antibodies," Analytica Chimica ACTA 227:73-96. (Dec. 1, 1989).
6	Ekins et al. Multianalyte microspot immunoassay-microanalytical 'compact disk of the future, Clin Chem 37(11) :1955-1967, (Nov. 1991).
7	Fodor et al., "Light-Directed, Spatially Addressable Parallel Chemical ASynthesis," Science, vol. 251, pp. 767-773 (Feb. 15, 1991).
8	Lockhart et al., "Expression monitoring by hybridization to high-density oligonucleotide arrays," Nature Biotechnology, vol. 14, No. 13, pp. 1675-1680 (Dec. 1996).

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		6 3 9 9 3 6 5	06/04/02	BESEMER et al.			
		6 3 4 9 1 4 4	02/19/02	SHAMS et al.			
		6 2 8 9 3 8 2	09/11/01	BOWMAN-AMUAH et al.			
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		0 3 8 0 6 5 9	08/1990	EPO				
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01		/ 0 6 3 9 5	01/2001	WIPO				

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9	Pease et al., "Light-generated oligonucleotide arrays for rapid DNA sequence analysis," Proc. Natl. Acad. Sci. USA. vol. 91, pp. 5022-5026 (May 1994).
10	Quesada et al., "High-sensitivity DNA detection with a laser-excited confocal fluorescent gel scanner." Biotechniques 10:616-625. (1991).
11	Sapolsky et al., "Mapping Genomic Library Clones Using Oligonucleotide Arrays," Genomics, vol. 33, Article No. 0219, pp. 445-456 (1996).
12	Van der Voort et al., "Design and use of a computer controlled confocal microscope for biological applications." Scanning 7:68-78. (1985).
13	White et al., "An evaluation of confocal versus conventional imaging of biological structures by fluorescent light microscopy." J. Cell Biol. 105:41-48. (Jul. 1987).
14	Yamamoto et al., "Features and applications of the laser scanning microscope," Journal of Modern Optics, vol. 37, No. 11, pp. 1691-1701 (1990).

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		5 8 4 5 0 0 7	12/01/98	OHASHI et al.			
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		5 3 7 1 6 9 0	12/06/94	ENGEL et al.			
		5 1 2 4 1 0 2	06/23/92	SERAFINI et al.			
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		6 2 0 7 9 6 0	03/27/01	STERN et al.			
		6 1 4 0 0 4 4	10/31/00	BESEMER			
		4 8 1 5 2 7 4	03/28/89	PIATTI			
		6 7 6 8 8 2 0	07/27/04	YAKHINI et al.			
2004/		0 2 6 4 8 0 7	12/30/4	YAKHINI et al.			
		7 0 2 7 6 2 9	04/1106	CATTELL et al.			
		5 5 8 1 4 8 7	12/1996	KELLY et al.			
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		5 7 2 1 4 3 5	2/1998	TROLL			
		5 7 4 4 3 0 5	4/1998	FODOR et al.			
		5 8 0 1 9 7 0	9/1998	ROWLAND et al.			
		5 8 1 2 2 7 2	9/1998	KING et al.			
		5 8 3 4 7 5 8	11/1998	TRULSON et al.			
		5 8 3 7 4 7 5	11/1998	DORSEL et al.			
		5 8 8 6 3 5 3	3/1999	SPIVEY et al.			
		6 0 6 6 4 5 9	5/2000	GARINI et al.			
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		6 2 8 4 4 5 9	9/2001	NOVA et al.			
		6 2 8 4 4 6 5	9/2001	WOLBER			
		6 3 4 9 1 4 4	2/2002	SHAMS			
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		6 3 8 3 7 4 2	5/2002	DRANAC et al.			
		5 0 0 1 7 6 6	3/1991	BAIRD			
		5 4 8 7 1 1 5	1/1996	SURKA			
		5 6 2 7 9 1 2	5/1997	MATSUMOTO			
		5 9 1 6 7 4 7	6/1999	CILCHRIST et al.			
		6 3 6 2 8 3 2	3/2002	STEPHAN et al.			
		6 4 9 8 8 6 3	12/2002	GAIDOUKEVITCH et al.			
		6 5 7 1 0 0 5	5/2003	LI et al.			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	15	Douglas E. Bassett Jr., Michael B. Eisen, and Mark S. Boguski, "Gene expression informatics-it's all in your mine," Nature America Inc., nature genetics supplement, vol. 21, Jan. 1999, pp. 51-55.					
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EXAMINER			DATE CONSIDERED				
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							